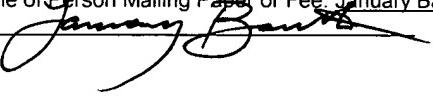


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**PATENT APPLICATION
ATTORNEY DOCKET NO. 1576.1000**

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s):	Carter, Jon	Confirmation No.:	8681
Application No.:	10/645,994	Examiner:	Chukwurah, N.
Filing Date:	08/22/2003	Group Art Unit:	3721
Title:	Tool for Driving Pins		

**COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450**

Sir:

ELECTION/RESPONSE A

Responsive to the Examiner's election requirement dated, July 23, 2004, the Applicant elects to prosecute those claims embodied in Figures 1, and 3-8, with traverse.

Notwithstanding a traverse of the requirement for election, and pending the determination of allowability of the generic claim, Claim 1, Applicant elects to prosecute the invention that is the embodiment of Figures 1, and 3-8, comprising claims 1-5, 9-11, 13-14.

The requirement to elect one of two inventions, identified in the Office Action as the embodiment of Figures 1, and 3-8, or the embodiment of Figure 2 (comprising claims 6-8, 12, and 14-16), for prosecution on the merits is traversed. The Examiner's conclusion that these embodiments are patentably distinct species of the claimed invention is traversed specifically as it relates to the species with which Claim 12 is associated. The element of Claim 12, a *landscape pin magazine* (16) attached to the frame and configured to feed the landscape pin into the frame, as depicted in Figure 2 is capable of use together with the species embodied within Figures 1, and 3-8. The landscape pin magazine is merely an additional element of the elected species, and was depicted in Figure 2 solely for ease of illustration. If two patentably distinct species exist, they are more properly defined as species one, comprising claims 1-5, and 9-14, and species two, comprising claims 6-8, and 15-16, rather than as the embodiments of Figures 1, 3-8 and Figure 2 as suggested by Examiner.

Reconsideration of the requirement for restriction between the two embodiments, specifically concerning Claim 12 is respectfully requested. If such requirement is withdrawn, Applicant elects to prosecute the invention defined by claims 1-5, and 9-14. Further, should the generic claim presented in Claim 1 be allowed, Applicant requests that the claims, 6-8, and 14-16, relating to the second, non-elected, species be considered, as provided by 37 C.F.R. 1.141.

Respectfully submitted,
Jon Carter

By 

Mark G. Pannell
Reg. No. 40,761

Date August 3, 2004
(719) 260-7900

AMENDMENT TRANSMITTAL LETTER (Small Entity)

Applicant(s): Jon Carter

Docket No.

1576,1000

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/645,994	08/27/03 P.F.	Chukwurah, N.	23649	3721	8681

Invention:

Tool For Driving Pins



COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

- Applicant claims small entity status. See 37 CFR 1.27

The fee has been calculated and is transmitted as shown below

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	11 -	20 =	0	x \$9.00	\$0.00
INDEP. CLAIMS	2 -	3 =	0	x \$43.00	\$0.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- No additional fee is required for amendment.
 - Please charge Deposit Account No. _____ in the amount of _____.
 - A check in the amount of _____ to cover the filing fee is enclosed.
 - The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. _____.
 - Any additional filing fees required under 37 C.F.R. 1.16.
 - Any patent application processing fees under 37 CFR 1.17.

Mark Bell

Signature

Dated: August 4, 2004

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January Barrett

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